

REMARKS

Claims 1-15 are canceled and new claims 16-25 are added. Hence, claims 16-25 are all the claims pending in the application.

The Examiner states in the Office Action that the references submitted on April 29, 2005 were not considered because the Information Disclosure Statement allegedly failed to comply with the Patent Rules because “the English translation of the document from the country code DE has not been provided and a copy of GB-378143 cited in the IDS also has not been provided.” Each of the references cited on Form PTO/SB/08 was cited in the International Search Report (ISR) in the International Application which was submitted with the references on April 29, 2007, as evidenced by the attached filing receipt stamped by the USPTO indicating receipt of the ISR and the cited references. The ISR indicates the degree of relevance of each cited reference, in compliance with the concise statement of relevance requirement. It is respectfully submitted that the Examiner consider the references cited in the ISR. For the Examiner’s convenience, Applicant submits duplicate copies of the ISR, together with copies of all references cited on the PTO/SB/08.

Claims 1-15 are rejected under 35 U.S.C. §112, second paragraph as being indefinite. Claims 1-15 are canceled. Applicant respectfully submits that new claims 16-25 comply with §112, second paragraph.

Claims 1, 3 and 8 are rejected under 35 U.S.C. § 102(e) as being anticipated by Barkmann. Applicant respectfully submits that Barkmann does not anticipate new claims 16-25.

The new claims 16-25 refer to the embodiment shown in Fig. 1 to Fig. 3 of the application. Accordingly, the sifter 15 on one hand and the distributor 17 on the other hand are separate equipment in separate housings, which Barkmann does not disclose. Also, claim 16 recites that the tobacco is first conveyed through the sifter and after sifting the tobacco is conveyed into the distributor. Hence, all of the tobacco is treated by the sifter before the tobacco is introduced into the distributor, which is not disclosed by Barkmann.

Claims 18 and 19 recite a cone-type sifter with an upright guide body that consists of preferably two double cones, an embodiment of such a sifter being shown in Fig. 2. It is respectfully submitted that Barkmann does not disclose such a double cone sifter.

Claim 25 refers to the drum 64, as shown, for example, in Fig. 5, which as claimed is not taught by Barkmann.

Claims 2, 4-7 and 9-14 are rejected under U.S.C. § 103(a) as being unpatentable over Barkmann. These claims are cancelled and this rejection is rendered moot. Further, the presently pending dependent claims contain by reference all the limitations of claim 16 and hence, are patentable by virtue of their dependency.

Claim 3 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,782,890. Claim 3 is cancelled and it is respectfully submitted that this rejection is now moot. Further, new claims 18 and 19, which recite a zigzag-chapped sifting duct, are patentably distinguishable from claim 1 of the '890 patent because they contain by reference all the limitations of claim 16 and claim 16 is patentable distinguishable from claim 1 of the '890 patent.

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. APPLN. NO. 10/533,221

Therefore, Applicant respectfully requests the Examiner to reconsider and withdraw all objections and rejections and to find the application to be in condition for allowance with claims 16-25. However, if for any reason the Examiner feels that the application is not now in condition for allowance, the Examiner is respectfully requested to **call the undersigned attorney** to discuss any unresolved issues and to expedite the disposition of the application.

Filed concurrently herewith is a Petition (with fee) for an Extension of Time of two months. Applicant hereby petitions for any extension of time which may be required to maintain the pendency of this application, and any required fee for such extension is to be charged to Deposit Account No. 19-4880. The Commissioner is also authorized to charge any additional fees under 37 C.F.R. § 1.16 and/or § 1.17 necessary to keep this application pending in the Patent and Trademark Office or credit any overpayment to said Deposit Account No. 19-4880.

Respectfully submitted,

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CUSTOMER NUMBER

Date: September 10, 2007